THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.3098 OF 2006

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Dated: 17-02-2006

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Between

M. Janana Prakasam, S/o. Yakobu,

Occ: Cultivation, R/o. Gollavnitippa (V)

Bhimavaram (M), West Godavari

District.

…PETITIONER

AND

District Collector, West Godavari District,

Eluru and others.

…RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondents in directing his eviction from the land of Ac.1.27 cents covered by S.No.329/8 and 329/10 of LG Padu village pursuant to the proceedings in Roc.No.721/94 (B) dated 23.01.2006 issued by third respondent without following due process of law as illegal and arbitrary.

Learned counsel for the petitioner submits that the father of the petitioner being a landless poor occupied an extent of Ac.1.27 cents of land in S.No.329/8 and 329/10 of Gollavanitippa Village, which is part and parcel of old S.No.65/A of L G Padu village. After his demise, the petitioner succeeded to the property and he has been in continuous possession of the said land. The learned counsel further submits that the Mandal Revenue Officer – third

respondent without issuing any notice passed orders in Rco.No.721/94 (B) dated 23.01.2006 under Section 6 of the Andhra Pradesh Land Encroachment Act directing to evict the ineligible Sivaijamadars, Non Sivaijamadars (Benami) and Non Residents with required police force and by erecting red flags in the concerned lands and to keep them in custody of Secretary of Gram Panchayat, Gollavanitippa and Gutlapadu villages.

Admittedly against the said order there is a right of appeal under Section 10 of the Andhra Pradesh Land Encroachment Act.

Having regard to the facts and circumstances of the case,
the petitioner is permitted to file an appeal within ten days from the date of receipt of a copy of this order and pending disposal of the appeal, if any filed, status quo with regard to the possession in an extent of Ac.1.27 cents, if it is in possession of the petitioner as on today shall be continued.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 17, 2006

Note: Furnish C.C. of the order by 18.02.2006

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DSK